

DOCKET NO. : CHIR-0340

PATENT

17497 U.S. PTO
10/662126
09/12/03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Berhard Knapp, Erika Hundt, and Karl-Heinz Schmidt

For: PROTEINS, IN PARTICULAR MEMBRANE PROTEINS, OF HELICOBACTER
PYLORI, THEIR PREPARATION AND USE

EXPRESS MAIL LABEL NO: EV 251289953 US
DATE OF DEPOSIT: September 12, 2003

EV251289953US

☐ Mail Stop Patent Application ☐ Mail Stop Design ☒ Mail Stop Sequence Listing

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

PATENT APPLICATION TRANSMITTAL LETTER

Transmitted herewith for filing, please find :

- ☐ A Utility Patent Application under 37 C.F.R. 1.53(b).
- ☒ A Utility Patent Application under 37 C.F.R. 1.53(b) as follows:
 - ☒ A Continuation of Application No. 09/230,158.
 - ☐ A Divisional of Application No. ____/_____.
 - ☐ A Continuation-in-part of Application No. ____/_____.
- ☐ A Design Patent Application (submitted in duplicate).

The above-identified application includes the following:

- ☐ A Request for Nonpublication
- ☐ A Specification including claims and abstract on pages 1 to ____
- ☒ A copy of the specification including claims and abstract (pages 1 - 42) and drawings and appendixes (if any) of earlier application Serial No. 09/230,158 Filed January 19, 1999, to which no new matter has been added. Such earlier application is hereby incorporated into the present application by reference.
- ☒ A copy of the executed oath or declaration filed in the earlier application identified above is attached.
- ☐ An Associate Power of Attorney executed by @@ who is listed in the copy of the executed Declaration and Power of Attorney filed herewith.
- ☐ A Copy of the Power of Attorney with Revocation filed in prior Application No. @@
- ☐ Signed Statement deleting inventor(s) named in the prior application.
- ☐ Please enter the amendment as follows to the specification under the "Cross-Reference to Related Applications" section (or amend the specification to include such a section as the first paragraph):
- ☐ "This application is a continuation/divisional/continuation-in-part [choose one] of @@, filed @@ the entirety of which is incorporated herein by reference." [List others in chain as needed]
- ☐ "This application claims benefit of Provisional Application No @@, filed @@, the entirety of which is incorporated herein by reference."
- ☒ This application claims foreign priority under 35 U.S.C. § 119 of Application No. 19630390.7 filed July 26, 1996 in Germany (Country), and Application No. PCT/IB97/00981 filed July 25, 1997 in PCT (Country).
- ☒ A Certified Copy of each of the above applications for which priority is claimed:
- ☐ is enclosed.
- ☒ has been filed in prior application Serial No. 09/230,158 filed January 19, 1999.
- ☐ _____ Sheets of Formal Drawings and/or Photographs.
- ☐ Figure ____ should be published.
- ☐ Petition to Accept Color Photographs is enclosed.

- ☐ A New Unexecuted Declaration or Oath and Power of Attorney.
- ☐ A New Executed Declaration or Oath and Power of Attorney.
- ☐ An Associate Power of Attorney executed by @@ who is listed in the Executed Declaration and Power of Attorney filed herewith.
- ☒ This continuation/divisional application is assigned of record to CHIRON BEHRING GmbH & CO as evidenced by the assignment recorded on January 19, 1999 at Reel No. 9852 And Frame No. 0619 .
- ☒ A Preliminary Amendment is enclosed .
- ☒ A Sequence listing consisting of pages 1- 39.
- ☒ Diskette Containing Sequence Listing is enclosed.
- ☐ The computer readable form in the above-identified application is identical with that filed in Application Serial Number _____, filed _____. In accordance with 37 CFR 1.821(e), please use the sequence listing filed on _____ and received by the PTO on _____ as the computer readable form filed in that application as the computer readable form for the instant application. It is understood that the Patent and Trademark Office will make the necessary change in application number and filing date for the computer readable form that will be used for the instant application.
- ☐ A paper copy of the Sequence Listing:
- ☐ was filed in the above-identified parent application on _____ and received by the PTO on _____ .
- ☐ is included herewith in a separately filed preliminary amendment for incorporation into the specification.
- ☒ A Statement to Support Submission of Sequence Information is enclosed.
- ☐ Information Disclosure Statement including:
- ☐ Form 1449.
- ☐ Copies of References @@-@@ listed on the attached Form PTO-1449
- ☒ A copy of Petition for Extension of Time as filed in the prior case for copendency.
- ☐ Appended Material as follows: _____ .
- ☒ Return Receipt Postcard (should be specifically itemized).

FEE CALCULATION:

- ☐ Applicant(s) by its/their undersigned attorney, claims small entity status under 37 C.F.R. §1.27 as:
- ☐ an Independent Inventor
- ☐ a Small Business Concern
- ☐ a Nonprofit Organization.
- ☒ Cancel in this application original claims 1-34 of the prior application before calculating the filing fee. (At least one independent claim must be retained for filing purposes.)

				SMALL ENTITY		NOT SMALL ENTITY	
				RATE	FEE	RATE	FEE
DESIGN APPLICATION BASE FEE				\$165.00	\$	\$330.00	\$ 0
UTILITY APPLICATION BASE FEE				\$375.00	\$	\$750.00	\$ 750.00
UTILITY APPLICATION; ALL CLAIMS CALCULATED AFTER ENTRY OF ALL AMENDMENTS							
	No. Filed	No. Extra					
TOTAL NO. OF CLAIMS	25 - 20 =	5		\$9 each	\$	\$18 each	\$ 90.00
NO. OF INDEPENDENT CLAIMS	3 - 3 =	0		\$42 each	\$	\$84 each	\$ 0
MULTIPLE DEPENDENT CLAIM FEE				\$140	\$	\$280	\$ 0
ADDITIONAL FILING FEE					\$		\$ 0
TOTAL FILING FEE DUE					\$		\$ 840.00

- ☐ A Check is enclosed in the amount of \$_____.
- ☐ Please charge Deposit Account No. 23-3050 for the filing fee of _____
- ☐ The Commissioner is authorized to charge payment of the following fees and to refund any overpayment or charge any deficiency in payment associated with this communication or during the pendency of this application to deposit account 23-3050. This sheet is provided in duplicate.
- ☐ Any additional filing fees required, including fees for the presentation of extra claims under 37 C.F.R. 1.16.
- ☐ Any additional patent application processing fees under 37 C.F.R. 1.17 or 1.20(d)

☐ The Commissioner is hereby requested to grant an extension of time for the appropriate length of time, should one be necessary, in connection with this filing or any future filing submitted to the U.S. Patent and Trademark Office in the above-identified application during the pendency of this application. The Commissioner is further authorized to charge any fees related to any such extension of time to deposit account 23-3050. This sheet is provided in duplicate.

☒ **Address all correspondence to:**

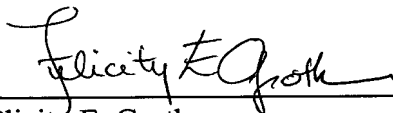
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☒ **Direct all telephone calls to:**

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Philadelphia PA 19103
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Facsimile No.: **(215) 568-3439**

SHOULD ANY DEFICIENCIES APPEAR with respect to this application, including deficiencies in payment of fees, missing parts of the application or otherwise, the United States Patent and Trademark Office is respectfully requested to promptly notify the undersigned.

Date: September 12, 2003



Felicity E. Groth
Registration No. 47,042

DOCKET NO.: CHIR-0208

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

BERHARD KNAPP, ERIKA HUNDT

AND KARL-HEINZ SCHMIDT

Confirmation No.: 4763

Application No.: 09/230,158

Group Art Unit: 1645

Filing Date: January 19, 1999

Examiner: V. A. Portner

**For: PROTEINS, IN PARTICULAR MEMBRANE PROTEINS, OF
HELICOBACTER PYLORI, THEIR PREPARATION AND USE**

EXPRESS MAIL LABEL NO: EV 251286577 US

DATE OF DEPOSIT: September 12, 2003

EV251286577US

**Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**

PETITION AND FEE FOR EXTENSION OF TIME (37 CFR § 1.136(a))

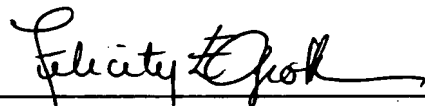
Petition is hereby made under 37 CFR § 1.136(a) to extend the time for response to the Office Action of **March 12, 2003** to and through **September 12 2003** comprising an extension of the shortened statutory period of **Three (3) month(s)**:

	SMALL ENTITY		NOT SMALL ENTITY	
	RATE	FEE	RATE	FEE
<input type="checkbox"/> ONE MONTH EXTENSION OF TIME	\$55	\$	\$110	\$0
<input type="checkbox"/> TWO MONTH EXTENSION OF TIME	\$205	\$	\$410	\$0
<input checked="" type="checkbox"/> THREE MONTH EXTENSION OF TIME	\$465	\$	\$930	\$930.00
<input type="checkbox"/> FOUR MONTH EXTENSION OF TIME	\$725	\$	\$1450	\$0
<input type="checkbox"/> FIVE MONTH EXTENSION OF TIME	\$985	\$	\$1970	\$0
<input type="checkbox"/> LESS ANY EXTENSION FEE ALREADY PAID	minus	(\$)	minus	(\$0)
TOTAL FEE DUE		\$0		\$930.00

Extension fee due with this request **\$930.00**

- ☒ A check in the amount of **\$930.00** is attached. Please charge any deficiency or credit any overpayment to Deposit Account No. 23-3050.
- ☐ Please charge Deposit Account No. 23-3050 in the amount of \$ _____.00. This sheet is attached in duplicate.

Date: September 12, 2003


 Felicity E. Groth
 Registration No. 47,042

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